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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1634|LA3|71.

Dated, Trivandrum, 22nd March, 1971.

The following Bill together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1971.

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) KERALA AMENDMENT BILL, 1971

A

BILL

to amend the Public Wakfs (Extension of Limitation) Act, 1959 in its application to the State of Kerala.

Preamble.—WHEREAS it is expedient to amend the Public Wakfs (Extension of Limitation) Act, 1959, in its application to the State of Kerala, for the purpose hereinafter appearing;

BE it enacted in the twenty-second Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Public Wakfs (Extension of Limitation) Kerala Amendment Act, 1971.

(2) It extends to the whole of the State of Kerala.

(3) It shall be deemed to have come into force on the 1st day of January, 1971.

2. **Amendment of section 3.**—In section 3 of the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959) (hereinafter referred to as the principal Act), for the words, figures and letters "the 31st day of December, 1970", the words, figures and letters "the 31st day of December, 1971" shall be substituted.

3. **Repeal and saving.**—(1) The Public Wakfs (Extension of Limitation) Kerala Amendment Ordinance, 1971 (10 of 1971), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The period of limitation prescribed by the Public Wakfs (Extension of Limitation) Act, 1959 (Central Act 29 of 1959), for filing suits for recovery of Wakf properties, expired on 31st

December, 1970. The Central Ministry in charge of Wakfs informed the Chairman of State Wakf Boards that as it is not possible for the Government of India to move for further extension of the limitation period under the said Act, the State Wakf Boards may move the State Government concerned for making local amendments to the Act, if the quantum of cases left out would necessitate further extension of time. In this State, suits have yet to be filed for the recovery of a good number of Wakf properties which are in unauthorised occupation. Hence it was found necessary to extend the period of limitation for filing such suits upto 31-12-1971 by amending the said Act in its application to this State. As the Legislative Assembly was not in session, the Public Wakfs (Extension of Limitation) Kerala Amendment Ordinance, 1971 (10 of 1971), was promulgated by the Governor on the 9th day of March, 1971. The Bill seeks to replace that Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation would not involve any expenditure from the Consolidated Fund of the State.

C. H. MOHAMED KOYA.